

SEARCH AND SEIZURE — Exclusionary rule, in general — Revised 3/2010

The exclusionary rule is a "judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect, rather than a personal constitutional right of the party aggrieved." *United States v. Calandra*, 414 U.S. 338, 348 (1972). While the exclusionary rule originally applied only to evidence discovered through Fourth Amendment violations, the courts have expanded the rule so that it now requires the suppression of all evidence gained, directly or indirectly, from the government's violation of a defendant's rights under the Fourth, Fifth, and Sixth Amendments:

The exclusionary rule requires the suppression at trial of evidence gained directly or indirectly as a result of a government violation of the Fourth, Fifth or Sixth Amendments. *Murray v. United States*, 487 U.S. 533, 537, 108 S.Ct. 2529, 2533, 101 L.Ed.2d 472 (1988). "[T]he appropriate remedy for a violation of *Massiah* [*v. United States*, 377 U.S. 201, 84 S.Ct. 1199, 12 L.Ed.2d 246 (1964)] includes not only suppression of all evidence directly obtained through governmental misconduct, but also suppression of all evidence that can properly be designated fruits of that conduct." [*United States v. Kimball*, 884 F.2d [1274] at 1278-79 [9th Cir.1989]; see also *State v. Bravo*, 158 Ariz. 364, 374-76, 762 P.2d 1318, 1328-30 (1988), *cert. denied*, 490 U.S. 1039, 109 S.Ct. 1942, 104 L.Ed.2d 413 (1989)].

State v. Hackman, 189 Ariz. 505, 507, 943 P.2d 865, 867 (App. 1997).